

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)
)
v.) 3:06-CR-040-D(1)
)
FRANCISCO VILLEGAS-JAIMES,)
#93636-079,)

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Accordingly, the court construes defendant's motion requesting credit for time served in state custody as a habeas corpus petition pursuant to 28 U.S.C. § 2241, and transfers it, in the interest of justice pursuant to 28 U.S.C. § 1631, to the United States District Court for the Western District of Texas, Pecos Division, for further proceedings.

The clerk is directed to open for statistical purposes a new habeas corpus case pursuant to 28 U.S.C. § 2241 (nature of suit 530), directly assigned to Chief Judge Sidney A. Fitzwater and Magistrate Judge Wm. F. Sanderson, Jr., and close the case on the basis of this order. The clerk is also directed to terminate for statistical purposes the motion requesting credit for time served in state

custody.

SO ORDERED.

July 31, 2009.



SIDNEY A. FITZWATER
CHIEF JUDGE